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Docket No.: 220572US0X PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/069,961

Applicants: Michele MOCK

Filing Date: July 19, 2002

For: ACELLULAR IMMUNOGENIC COMPOSITIONS  
AND ACELLULAR VACCINE COMPOSITIONS  
AGAINST BACILLUS ANTHRACIS

Group Art Unit: 1645

Examiner: J. Graser

SIR:

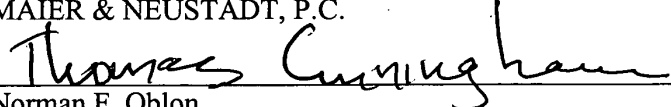
Attached hereto for filing are the following papers:

**Election & Response to Restriction Requirement**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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DOCKET NO: 220572US0X PCT



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MICHELE MOCK : EXAMINER: J. GRASER  
SERIAL NO: 10/069,961 :  
FILED: JULY 19, 2002 : GROUP ART UNIT: 1645  
FOR: ACELLULAR IMMUNOGENIC :  
COMPOSITIONS AND ACELLULAR  
VACCINE COMPOSITIONS AGAINST  
BACILLUS ANTHRACIS

ELECTION & RESPONSE TO THE LACK OF UNITY REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Lack of Unity Requirement mailed October 2, 2003, the Applicants elect with traverse **Group I**, Claims 1-7, directed to acellular immunogenic compositions or vaccines.

The traverse is on the basis that the Office has not established that Groups I-V lack the same or corresponding technical features. For instance, Group I is directed to immunogenic compositions or vaccines and Group IV (Claim 10) is directed to an antigenic preparation. While the Requirement concludes that the products of Group I and IV are materially different, it does not indicate why they are materially different or why they were deemed to lack corresponding technical features. Group II is directed to the RPLC2 strain, but the Requirement does not indicate why this strain would lack the same or corresponding technical features of Group I, especially as Claim 5 of Group I is directed to a composition derived from strain RPLC2.

Application No. 10/069,961  
Reply to Office Action of October 2, 2003

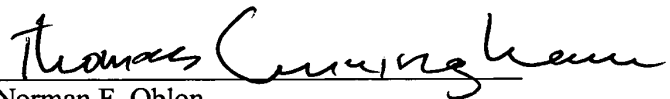
Moreover, the Applicants respectfully submit that no undue burden would be imposed on the Examiner in conducting an Examination of all three groups together, because similar or related subject matter is encompassed by each group.

In the event that the restriction requirement is maintained, the Applicants respectfully request that the claims of the nonelected groups which depend from or include all the limitations of those of elected Group I, be rejoined upon an indication of allowability for the elected claims, see MPEP 821.04.

Accordingly, the Applicants respectfully request that the Lack of Unity Requirement be withdrawn and all the claims be examined together.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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